II. REMARKS

Claims 1-15 and 17-20 are pending and stand rejected. Applicant appreciates the Patent Examiner's time on September 28, 2006 during the interview with Applicant regarding this application.

A. Amendments

Claim 1 was amended to more clearly point out that the authority table further comprises a record, the record comprising a key field and raw data field, the raw data field further comprising the contents of an electronic file. No new matter was added. Support for this is in, e.g., Figure 2 and ¶¶[0023-0027].

Claims 5 and 8 were amended to include limitations earlier claimed in claim 1. No new matter was added.

Claim 12 was amended to incorporate the changes to Claim 1 and to further clarify that the user initiates storing the raw data. No new matter was added, as noted above, and as further supported with the Figures and, e.g., ¶ [0050].

Claim 13 was amended to conform with Claim 1. No new matter was added.

Claim 17 was amended to conform with claims 1 and 12. No new matter was added.

All of these amendments present the rejected claims in a better form for consideration on appeal, add no new matter, and clarify that which was already apparent to one of ordinary skill in the art when the application was filed. The Patent Examiner's asserting new grounds for rejection make these amendments touching the merits of the patent under reexamination necessary and explain why they were not earlier presented. They further place all the claims in condition where they are patentable and/or reduce or simplify issues on appeal, should an appeal be necessary.

B. Rejections under 35 U.S.C. §112 ¶ 1

The Patent Examiner rejected claims 1 and 16 under 35 U.S.C. §112, ¶ 1. Applicant respectfully traverses.

The Patent Examiner asserts that the specification does not enable "the authority table further comprising a key field;" "comprises at least one key field adapted to provide for relating a record in the taxonomy table to at least one record in another table;" comprises a first key field adapted to provide for relating a record in the summary table to at least one record on another table and a second field comprising user created data;" and "is related to the authority table and the user taxonomy table using the key field." All of these rejections for these reasons, according to the Patent Examiner, also apply to claim 16.

The test for sufficiency of support in an application is whether the disclosure of the application relied upon "reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter." *Ralston Purina Company v. Far-Mar-Co, Inc.*, 772 F.2d 1570 (Fed. Cir. 1985). Respectfully, Applicant incorporates his prior arguments regarding the contents of specifications and the admonitions of the Federal Circuit regarding the same.

Although it was clear before, as discussed with the Patent Examiner, Applicant has further clarified that it is the <u>records</u> in the tables that comprise the key fields.

Applicant respectfully reasserts his observations and traversals from before as if fully set out herein. Applicant again respectfully argues that the person having ordinary skill in the database arts for the current application is adjudged as of October 2001. Applicant again respectfully notes that the specification teaches the use of databases, that databases and their table organizations were well known in the art at that time, that databases were known to comprise tables, that tables were known to comprise records, that records were known to

comprise fields (some of which were key fields as that term was readily understood at that time), and that the process of relating tables to each other using key fields in their respective records was well-known in the art. As used herein, a "key field" is merely one used to relate one record in one table to another record in another table. For example ¶ [0047] states ... "Linkage between backend portion 200 and user portion 300 may be by a unique key identifier such as to a unique authority table key value." Key values may be any sort of value, as was familiar to those of ordinary skill in the database arts in October 2001, e.g. integer or character values. *See, e.g.,* United States Patent 5,560,006 to Layden, et al. which issued September 24, 1996 for an entity-relation database (discussing key fields); United States Patent 5,560,005 to Hoover, et al. which issued September 24, 1996 for methods and systems for object-based relational distributed databases (discussing how update operations would not be allowed to change an object identifier and additional safeguards are required for changing primary key fields); United States Patent 5,197,005 to Shwartz, et al. which issued on March 23, 1993 for a database retrieval system having a natural language interface (claiming a method of wherein an identifying step comprises locating concepts that have candidate columns from more than one table and noting any candidate columns for a concept located in the preceding step that are non-foreign key fields).

As also noted before, methods of relating tables, including as understood by use of the term "one-to-many," were well known in the art at the time of filing of the current application. *See, e.g.,* the patents cited above and http://www.campus.ncl.ac.uk/databases/design/design.html (original copyright 1997). Again, the specification and figures are clearly enabling, e.g. they describe that "User summary table 12b may be part of user portion 300 and contains <u>an element for each item of information the user desires to link to at least one element in user taxonomy table 12a</u>. [0044];" "In the preferred embodiment, each entry in each authority table 22a,

described herein as an 'authority,' will have <u>a unique identifier such as a primary key value</u> <u>[0028]</u>;" "<u>One currently envisioned method of relating user summary table 12b to authority table</u> <u>22a is to use an intermediate table such as user knowledge table 12e which relates one element in</u> <u>authority table 22a to one element in user summary table 12b, although one-to-many</u> <u>relationships may be defined in this or other manners as well [0044]</u>;" "Linkage between backend portion 200 and user portion 300 may be by a <u>unique key identifier</u> such as to a <u>unique</u> <u>authority table key value [0047]</u>. (all emphasis added)" Applicants respectfully point out that taxonomy table 12a is part of user portion 300 and authority table 22b is part of backend portion 300. (Fig. 2) The specification teaches that "access to the system may be through numerous means, by way of example and not limitation including programs written for a specific database such as Microsoft Visual Foxpro, general languages such as C++ or C# that may also include an SQL or ODBC or equivalent interface ability [0048]."

Thus, one of ordinary skill in the art would certainly know that all database or freestanding tables can be related to one or more other database or free-standing tables, e.g. summary tables to authority and taxonomy tables, using key fields extant in their records. Applicant again points the Patent Examiner to the figures that are part of the current application, e.g. Figure 2 which Applicant has pointed out before is a variant of what was a readily understood entity model relationship diagram in October 2001.

Accordingly, the specification and figures as filed teach, to one of ordinary skill in the art, that there are many ways to relate the various tables as claimed, including use of key values, intermediate tables, one-to-many keys, and the like.

C. **Prior Rejections**

The Patent Examiner, at page 8, accedes to Applicant's prior traversal.

D. Rejections under 35 U.S.C. §102

The Patent Examiner rejected claims 1-15 and 17-20 under 35 U.S.C. §102(e) in view of a newly cited reference, Triggs. Applicant respectfully traverses.

"Anticipation under 35 U.S.C. § 102 means lack of novelty, and is a question of fact. To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim." *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 (Fed. Cir. 2001) (emphasis added).

Applicant incorporates his prior responses by reference and respectfully argues that Triggs is not a §102(e) reference.

Although the Patent Examiner asserted that a "user" creates the software which then operates on the data during the interview, that "user" is not the "user" of the invention claimed in claims 1-17. In the current application, the "user" is the human being who is using the software, not the creator of the software.

In general, Triggs is aimed at solving a totally different problem than the claimed inventions. Triggs discloses a system and method in which software alone gathers information at a central location, delivers that information in a "timely and non-intrusive fashion" to its target audience, and maintains all data automatically. Triggs specifically discloses an automated system for managing information on a computer network having software, e.g. information collection agents, extracting information from the information provider nodes. There is no "user" involvement when seeking raw data, no user definable taxonomy table, and no user computer providing user access.

Triggs' software creates summary data, and Triggs' software gathers that summary data from the information provider node where Trigg's summary data is generated by software to be

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indicative of event changes at the information provider node. Thus, these summaries are not "user" created summaries based on whatever a user wishes to save as relevant.

Triggs accomplishes the disclosed operations by having information collection software agents extract information from the information provider node based on summary data that itself is automatically generated; cataloging the stored information into hierarchical categories; retrieving with a delivery agent based upon the hierarchical categories selected information from the stored information; and transmitting the selected information to the client node. Triggs explains that "Some of software components are agents, which are autonomous portions of code (i.e., software modules) that do not require human interaction and can communicate and change state on its own based upon its goal." This teaches away from user selected contents of an electronic file in claim 1.

Importantly, Triggs specifies that information collection agents 110 – software, not people – detect information when directory monitor 112 detects directory/file change events, email reader 124 detects new email and SQL extractor 116 queries databases for changes in the data. Note that these data extracted from the SQL database reflecting changes in data are what Triggs refers to as "raw" data, not the electronic content of the files that are the authorities as that term is used in the current application. Triggs' information collection agents 110 communicate the change events to event coordinators 120 – software, again – which extract the information and transmit the extracted information to system server 30 which distributes to all employee/users at clients 50 that request the information. Triggs further teaches that his directory monitor 112 software can monitor documents of some or all file types, including HTML, Microsoft® Access, Microsoft® Powerpoint, Microsoft® Word, Microsoft® Excel or plain text documents, but that content monitored by directory monitors 112 is mapped automatically

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by software directly to an appropriate category within central server database 40. "Therefore, information can be automatically classified by directory monitor 112 based on the location from which it originated." Thus, all is done by Triggs' software without the user's input, which teaches away from the user involvement in claim 1 and other claims of the present application.

As opposed to Triggs, whose server only comprises snippets and characterizations of files, the authority table records in claim 1 comprise user selected contents of a user selected electronic file, which can be the complete file contents or any subset of that user selected electronic file. As noted in ¶[0027],

> As used herein, "authority" [raw data] is understood to mean any source of information and may comprise at least one of text data, graphics data, audio data, video data, and the like, or combinations thereof. Authority data may comprise documents such as documents, images, and the like. Authority data may further comprise references to the actual data, such as a URL or other file link. In an exemplary legal application, the documents may further comprise case law files, statutes, and court rules.

For these reasons, Triggs' server 30 does not comprise a searchable authority table as claimed in claim 1. In fact, Triggs' disclosed database is the antithesis of, and teaches away from, the authority table claimed in claim 1 of the present application. Further, in Triggs, raw data – as that term is used in claim 1 of the present application – are not captured and do not exist at Trigg's server at all.

Further, Triggs' database 45 in central server database 40 is split into a plurality of subject matter and sub-headings and it is these headings which are arranged in a hierarchical fashion – there is no user definable taxonomy table as claimed in claim 1 of the present application. Triggs' headings categories are not disclosed as comprising a "user" definable taxonomy and, in fact, Triggs teaches away from that, e.g. "System server 30 then matches the information transmitted against the properties stored for each category and places the content

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into the category that gives the best match using catalog agent 140." Triggs' <u>software</u> does the matching, not a user, meaning, accordingly, that there is no user definable taxonomy table.

Accordingly, Triggs is topsy-turvy when compared to the system claimed in claim 1 and teaches away from claim 1. Claim 1 has a server with raw data contained raw data fields of records in an authority table. Triggs has a server which has summary data alone. Claim 1 of the present application has user computers with user definable taxonomy tables for by use by users. Triggs has a category scheme at the server, not the user machines, and his system is driven by software, not users. Claim 1 of the present application has the searchable summary table at the user computer. To the extent that Triggs has any summaries, those summary data are located at the server, not the client machines. In fact, Triggs does not disclose a summary table comprising user created data. (Interestingly, Triggs claims a means for creating a summary but the application is totally devoid of structure clearly linked to such means-plus-function language, making Triggs itself invalid under §112.) To the extent that Triggs discloses any summary data, Triggs teaches away from <u>user</u> created summary data by teaching "gathering summary data from the information provider node indicative of event changes at the information provider node <u>by</u> <u>information collection agents extracting information from the information provider node based</u> <u>on the summary data.</u>" Additionally, Triggs' summary data are not manageable by a user.

Accordingly, Triggs' software interrogates file data resident somewhere, generates a fixed software-generated summary, and stores the resulting software-generated summary of that interrogation at the server, meaning that Triggs does not store raw data in the records of his tables, only software-generated summaries.

There are other differences as well. For example, with respect to claim 8, Triggs does not disclose storing null raw data in a record that, with such null raw data content, comprises a reference to raw data located using the Internet.

Accordingly, Triggs does not anticipate claim 1 nor any claim that depends from claim 1.

With respect to claim 12, Triggs only teaches capturing summary data generated by one of his software agents at the server, not capturing raw data and then storing that raw data in the authority table accessible to the server. Moreover, as noted above, users do not trigger the storing of raw data and users do not summarize at least a portion of the retrieved raw data: Triggs' software agents do that. Users do not examine the one or more elements of the user taxonomy table: Triggs' software agents do that. There is no creating of a new element in the taxonomy table: Triggs teaches away from that by teaching association with only pre-existing categories.

Accordingly, Triggs does not anticipate claim 12 nor any claim that depends from claim 12.
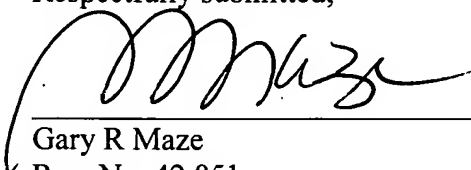
With respect to claim 17, as Triggs does not disclose nor anticipate the system of claim 1, Triggs cannot be said to anticipate a method of using such a system, e.g. at the user's initiation, storing programmatically manipulatable format of the raw data into the raw data field of the record of the authority table. With respect to claim 18, Triggs has no disclosure of continuing a search outside the tables when the number of search results occurs below a predetermined threshold or allowing the user to continue the search outside the tables on a user initiated command. With respect to claim 20, Triggs does not disclose a user viewing a summary table element may be allowed to view the raw data from which that summary was derived.

CONCLUSION

In view of the foregoing, Applicant respectfully requests a Notice Of Allowance for all claims 1-15 and 17-20. Should the Patent Examiner so wish, Applicant again respectfully invites the Patent Examiner to allow the Applicant an interview during which these points can be clarified to the Patent Examiner.

Respectfully submitted,

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